

## Middleburg Hts Police Department

Investigative Report 001 Title / Subject: Resist Arrest / Drug Possession

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11-00728

On 06/13/2011 at 2301 hours Middleburg Heights Police Department received multiple 911 emergency calls in reference to a motor vehicle accident which occurred at Pearl Road and Fowles Road.

Upon arrival to the intersection of Pearl and Fowles Road this officer observed a Maroon Chevy Malibu bearing Ohio registration DTJ 3585 stopped in the middle of the intersection facing east. The vehicle was occupied by only the female driver later identified as Deborah Krieger. This officer also observed a Maroon Mercury Grand Marquis bearing Ohio registration EZN 7212 stopped near the solid white stop line on Fowles Road facing Pearl Road.. The Mercury had heavy front end damage and did not appear to be occupied. This officer parked unit #4899 in the center through lane just north of the intersection. This officer exited unit #4899 and spoke with Krieger. This officer asked Krieger if she was injured and/or needed a squad. Krieger stated she thinks she is ok but her knee hurts.

This officer then proceeded to the Mercury Grand Marquis. This officer observed a male standing near the front of the vehicle. This officer asked the male if he was the driver and he stated yes. This officer then asked the male if he was ok and inquired if he needed a squad. The male stated he was fine and provided this officer his license, he was identified as Howard Hammon III. This officer asked the male what happened. The male stated he thought the other car was going to turn faster. When speaking with Hammon this officer observed him to be disoriented and/or confused. This officer attempted to perform a Horizontal Gaze Nystagmus(HGN) but Hammon just had a blank stare and would not follow the stylus. This officer then asked the male if he was taking any medications and he stated yes but did not elaborate on which types. This officer then asked Hammon to walk over to unit #4899. Hammon stated he wanted to disconnect the sounding horn because it was bothering him. This officer then escorted him to unit #4899 by his left wrist and shoulder. Once near the rear of unit #4899, this officer asked Hammon if he had anything on him that I should know about. Hammon stated he had a "bowl" on him. This officer then patted Hammon down and discovered the bowl in his front left pocket. This officer then removed all personal property from Hammon's person and placed it on the trunk of unit #4899. The items placed on the trunk, was his phone, wallet, and the bowl used for smoking marihuana. This officer then told Hammon to leave his hands on top of unit #4899. This officer then went inside of unit #4899 to turn on the power to the on board camera system. Once activated, this officer requested Hammon to step to the front of unit #4899. Hammon did not comply, stated he wanted a cigarette, and started to reach towards the rear of the trunk. This officer told Hammon that he can not have a cigarette and ordered him to the front of unit #4899. He did not comply and reached towards the rear of the trunk. This officer approached him and grabbed his left wrist. This officer then placed his left wrist behind his back in order to place him into custody and handcuffs. Sgt E Burgett #705 proceeded to this officer location to assist in the arrest. Sgt E Burgett maintained control of his left wrist while this officer took control of his right wrist and laced it behind his back. This officer was able to hand cuff Hammon's right hand and when attempting to get an extra pair of handcuffs for his left hand Hammon pulled away and resisted. Sgt E Burgett and this officer reacted to his actions and ordered him to place his hands behind his back or he would be taken to the ground. Hammon did not comply so this officer grabbed his right leg as Sgt E Burgett tripped him. The male was taken to the ground and landed on his left hip near the curb. This officer mounted the male and attempted to get his right hand behind his back again. Hammon would not comply and attempted to get up. This officer instructed the male that he was going to be tasered if he did not comply. He began to get up so this officer moved the taser cartridge from the X26 taser #X00-400949 and drove stunned the male for approximately 3-4

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viewing Supervisor: \_\_\_\_\_

Badge# 711

Date: 06/14/2011

Time: 0131

Date: \_\_\_\_\_



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seconds. The male continued to resist and MHPD officers determined to back off the male and give him additional verbal commands. Sgt E Burgett and this officer stepped away from the male as he rolled over and was sitting up facing MHPD officers. This officer gave multiple commands for Hammon to get down and put his hands behind his back or he would be tasered. Hammon rolled to his right and onto his hands and knees. This officer thought Hammon was going to comply but instead he swung his arm and went to his feet. This officer placed the cartridge back onto the taser X26 and tasered Hammon in the chest from approximately six feet away. This officer observed the taser leads go into his chest but Hammon did not react to the taser as it appeared to have no effect. Hammon turned to his right and looked like was going to approach officers. Sgt E Burgett then utilized his taser X26 and the male responded by stumbling to his left and falling into the grassy tree lawn near Flowerama. Once on the ground this officer attempted to get his right hand behind his back but he continued to resist by placing his hands underneath his body. This officer kneed Hammon several times in the upper right rib cage near his shoulder and ordered him to provide his right hand. When he finally provided his right hand this officer must have touched the taser leads and was inadvertently tasered. This officer was then provided an additional set of handcuffs from Ptl J Duff #719. This officer locked the handcuffs on the set of handcuffs already on Hammon's right wrist. Once his left wrist was provided to this officer he was subsequently handcuffed. This officer then stood by until Hammon was no longer resisting.

Once he was compliant this officer proceeded to investigate the Motor vehicle accident. This officer obtained information to complete and OH-1, refer to accident report #1100339. Once information was obtained this officer was advised by Sgt E Burgett that both parties involved in the accident were going to be transported to Southwest General Hospital. This officer cleared from the scene at 2333 hours and proceeded to SWGH.

Upon arrival to SWGH this officer provided hospital staff Hammon's personal information and his belongings. While staff was administering medical treatment, this officer spoke with Krieger. Kreiger provided this officer with a written witness statement. This officer also made contact with Krieger's daughter via cellular phone and informed her of the incident. Krieger was provided tow information, report number, and this officer business card. Once finished speaking with Krieger this officer spoke with Sgt E Burgett. Sgt E Burgett informed this officer that Hammon was pronounced deceased at 2345 hours. Refer to Sgt E Burgett form 20 for detailed information. MHPD officers cleared Southwest General Hospital on 06/14/2011 at 0015 hours.

Once cleared from SWGH, this officer returned to Middleburg Heights Police Department. Upon arrival to MHPD this officer tagged the Orange and Yellow bowl as evidence. The bowl did have a small amount of suspected marihuana in the pipe. The bowl was tagged E 11282, logged, and placed into the evidence locker for safe keeping. This officer also completed a taser X26 use report form. No further police action taken.

Additional: Hammon was transported to SWGII by Middleburg Heights Fire Department in Squad #2541. Fire personnel assigned to the squad were Woisnet #120, Higginbotham #132, Nowak #141, and Hallelan #140.

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## Attachments:

- (1) Copy of witness statement
- (1) Copy of OH-1 # 1100339
- (2) Copies of tow sheets
- (3) Copies of evidence tags
- (1) Copy of CCH on Hammon
- (1) Taser X26 use report
- (3) Leads printouts from parties involved

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